IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

FRIDAY, THE 22ND JUNE 2007 / 1ST ASHADHA 1929

WP(C).No. 21591 of 2006(U)

PETITIONER:

ADAT GRAMA PANCHAYAT,
PURANATTUKARA P.O., THRISSUR-680 551,
REPRESENTED BY ITS SECRETARY.

BY ADV. SRI.JIJO PAUL
SRI.BABU S. NAIR

RESPONDENT:

THE STATE OF KERALA, REPRESENTED BY
THE SECRETARY, DEPARTMENT OF LOCAL SELF
GOVERNMENT, GOVERNMENT SECRETARIAT,
TRIVANDRUM.

BY GOVERNMENT PLEADER (SHRI P.K. RAVIKRISHNAN)

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 22/06/2007 ALONG WITH W.P.(C). NO.2467/07, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN W.P.(C). NO. 21591 OF 2006 U

PETITIONER'S EXHIBITS:

EXT.P1 **TRUE COPY OF THE RESOLUTION NO.288 DATED 17.6.2006 OF THE ADAT GRAMA PANCHAYAT.**

EXT.P2 **TRUE COPY OF THE G.O.(MS) NO.330/2004/LSGD DATED 9.12.2004.**

EXT.P3 **TRUE COPY OF THE G.O. NO.40206/K2/05/LSGD DATED 2.11.2005 ISSUED BY THE RESPONDENT.**

// TRUE COPY//

PS TO JUDGE

K. M. JOSEPH, J.

W.P.C. NOS. 21591/06 U & 2467/07R

Dated this the 22nd June, 2007

JUDGMENT

Petitioners are Local Panchayats. They Challenge Ext.P3, which is a Circular dated 2.11.2005 by which the Government has directed that the Electricity Charges for drinking water schemes of the Panchayats shall not be paid by the Panchayats utilising their own funds. According to petitioners, the Scheme was implemented for the benefit of poor people within the Panchayats and because of Ext.P3 Circular, the Electricity Bills have fallen due. This Court has already passed interim orders permitting the Panchayats to make payment from the Panchayat funds and payments have already been made also.

2. Today, when this matter came up, learned Government Pleader submits that orders have been passed by the Government dated 23.3.2006 which is again modified by Order dated 25.2.2007 taking the view that the Panchayats can meet the Electricity Charges in respect of certain Schemes. In

such circumstances, I feel that the petitioners have already made the payments pursuant to the interim orders passed by this Court, in the light of the subsequent developments, I feel that the Government should consider the matter of regularisation of the payments already made by the petitioners. Of course, going by the case projected by the petitioners, it would appear that the Panchayats have taken up the Schemes to provide drinking water to the weakest sections of the Panchayats. Accordingly, the Writ Petitions are disposed of with a direction to the first respondent to consider the matter of regularisation of the payments already made by the petitioner Panchayats, taking note of all facts and also in the light of the Government Orders referred to above. Appropriate decision will be taken after hearing the petitioners also within a period of two months from the date of receipt of a copy of this Judgment.

K. M. JOSEPH, JUDGE

kbk.